

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations
(LCB File No. R022-14)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 449 of Nevada Administrative Code (NAC), Medical and Other Related Facilities. This public hearing is to be held in conjunction with the State Board of Health meeting on December 12, 2014. The NAC 449 regulation changes will be heard in the order placed on the State Board of Health agenda.

The State Board of Health will be conducted via videoconference beginning at 9:00 a.m. on Friday, December 12, 2014 at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Room #303 Carson City, NV 89706	Division of Aging and Disability Services Early Intervention Services 3811 W Charleston #112 Las Vegas, NV	Division of Aging and Disability Services Early Intervention Services 1020 Ruby Vista Drive, Suite 102 Elko, NV
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The proposed changes to NAC 449 include the following.

Requires a facility for the care of adults during the day to:

- Provide the maximum number of clients allowed to occupy the facility at one time in an application for a license and to notify the Division of Public and Behavioral Health (DPBH) of any change to that number;
- Pay a fee for an application for a license or renewal of a license; and
- Keep a separate personnel file for each employee of the facility that must include certain documentation concerning tuberculosis screening.

1. Anticipated effects on the business which NAC 449 regulates:

- A. *Adverse effects:* Will have an economic impact on a facility for the care of adults during the day. Currently this facility type does not pay an initial licensure fee or renewal fees. These proposed regulations will require that a facility pay an initial application fee of \$1,753 and a renewal fee of \$1,227 if more than 50 clients at a time are allowed to occupy the facility and an initial fee of \$1,164 and a renewal fee of \$814 if less than 50 clients occupy the facility.
- B. *Beneficial:* Ensures patient safety by confirming that licensees are in regulatory compliance and investigating consumer complaints regarding this facility type.
- C. *Immediate:* The stated adverse and beneficial effects would be immediate impacts as

soon as the proposed regulations become effective.

D. *Long-term*: The long term impacts would remain the same as the immediate impacts.

2. Anticipated effects on the public:

A. *Adverse*: The proposed regulations may result in facilities raising their fees for services to recover the costs of licensing and renewal fees.

B. *Beneficial*: Fees would be used to continue to fund periodic inspections and complaint investigations of these facilities to help those facilities ensure their clients' safety through regulatory compliance. In addition, they bring adult day care facilities to the tuberculosis screening standards found in NAC Chapter 441A, the infectious diseases and toxic agents' chapter, to help ensure the safety of adult care clients.

C. *Immediate*: Costs may rise for consumers.

D. *Long-term*: Client safety would be enhanced, due to funding being available to inspect these facilities and conduct complaint investigations.

3. The cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is estimated to be minimal. As the Division of Public and Behavioral Health currently collects fees for all other facility types, the collection of adult day care fees would be incorporated into the current process and would result in minimal costs to the agency. Mailing costs would be approximately \$20 per year, and existing licensing staff would collect the fees. In addition, there would be no cost (\$0) associated with enforcing the tuberculosis screening standards, as screening is already a part of the enforcement process. The proposed regulations simply revise the requirements to meet the standard in Chapter 441A. Staff would note, that this is only the estimated cost to collect the new fees, which is what the proposed regulations allow DPBH to do. This does not include the cost to license and regulate all currently licensed facilities, which is estimated to be \$20,885 per year. The fees collected would cover this cost.

The proposed regulations do not overlap or duplicate any other Nevada state regulations.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must submit the material to the Board's Secretary, Richard Whitley, to be received no later than December 1, 2014 at the following address:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

Written comments, testimony, or documentary evidence in excess of two typed pages will not be

accepted at the time of the hearing. The purpose of this requirement is to allow Board members adequate time to review the documents.

A copy of the notice, small business impact statement and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Nevada Division of Public and Behavioral Health
727 Fairview Drive, Suite E
Carson City, NV 89701

Nevada State Library
100 Stewart Street
Carson City, NV 89701

Nevada Division of Public and Behavioral Health
4220 S. Maryland Parkway, Suite 810, Building D
Las Vegas, NV 89119

A copy of the regulations and small business impact statement can be found on-line by going to:
http://www.health.nv.gov/HCQC_HealthFacilities_WShops.htm

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (775) 684-1030 in Carson City or (702) 486-6515 in Las Vegas.
Copies may also be obtained from any of the public libraries listed below:

Carson City Library
900 North Roop Street
Carson City, NV 89702

Churchill County Library
553 South Main Street
Fallon, NV 89406

Clark County District Library
833 Las Vegas Boulevard North
Las Vegas, NV 89101

Douglas County Library
1625 Library Lane
Minden, NV 89423

Elko County Library
720 Court Street
Elko, NV 89801

Esmeralda County Library
Corner of Crook and 4th Street
Goldfield, NV 89013-0484

Eureka Branch Library
210 South Monroe Street
Eureka, NV 89316-0283

Henderson District Public Library
280 South Water Street
Henderson, NV 89105

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445-3095

Lander County Library
625 South Broad Street
Battle Mountain, NV 89820-0141

Lincoln County Library
93 Maine Street
Pioche, NV 89043-0330

Lyon County Library
20 Nevin Way
Yerington, NV 89447-2399

Mineral County Library
110 1st Street
Hawthorne, NV 89415-1390

Pahrump Library District
701 East Street
Pahrump, NV 89041-0578

Pershing County Library
1125 Central Avenue
Lovelock, NV 89419-0781

Washoe County Library
301 South Center Street
Reno, NV 89505-2151

Tonopah Public Library
167 Central Street
Tonopah, NV 89049-0449

White Pine County Library
950 Campton Street
Ely, NV 89301-1965

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.